

1894-009 Chancery Causes: McTeers Hood & Co] vs. W. C. Herndon & Lee Co.

McTeer, Hood, Parsons, Woodward, Stapleton

CA - Debt
T - Property

To the Hon. U. S. K. Marston Judge of
the circuit court for Lee County:

Humbly acknowledging your order
Joseph M. Peers, Chas. E. M^r. Peers & M^r. Wood,
— ~~Peers and~~ — — — partners in
trade under the style & firm of M^r. Peers.

~~Peers~~ Wood & Co respectfully represent
unto your Honor that at the special instance
and request of H. C. Merndon at the times
& place indicated in the paper herewith filed
& marked "Invoice", they sold and delivered
to the said Merndon a large quantity of goods
wares & merchandise amounting to
the sum of \$228.30, \$152.80 of which said
sum was purchased on the 13th day of July
and became due on the day of

1893, \$75.50 of which was
contracted on the 18th day of Aug 1893
and became due on the day of

1893 -; That at his directions all
of said goods were shipped to him at Pen-
nington Gop. Va; That at the time your
Honor sold said Merndon said goods
the records of the county court of Lee County
showed him to be, & he represented himself
to be the owner of a large quantity of
unincumbered land lying & being in
the county of Lee & in the Goshute and
Probarahat country, - land pur-
chased from the heirs of Charles Pen-
nington Dead, Larkin Merndon
& John B. Pennington, John H. Hughes

wife & the C. Hopson wife and
all of which he was then in the
possession of using and occupying
as his own. Copies of the deeds which
he appeared to be the owner of are here filed
marked and made
part of this bill.

Your order will further show
unto your Honor that on or about the 10th
day of ~~April~~ 1893, the said H.C. Skendone
turned over to his father Larkin Skendone,
his brother John D. Skendone the goods
in his store and other goods which had
been purchased about Oct 30th which
he had not yet placed in his store and
about 40 head of cattle with other per-
sonal property who are now in the
possession of them selling and disposing
of them; And that said goods & cattle
were turned over to them without a
valuable consideration, or at least a
consideration any thing like the value
thereof;

Your order will further show
unto your Honor that the said sum of
money are still due & unpaid as aforesaid;
that in a day or two after said Skendone
transferred said goods and cattle as
aforesaid he absconded this state and
is now a non resident thereof; that
Your order's great surprise occurred.
10th 1893, one David P. Parsons lodged

with the clerk for recordation a deed
signed by H.C. Shudson & his wife
and dated March 14, 1893, which con-
veyed to the said Parrsons all of said
Shudsons land except the Hopkinton
tract and the land embraced in the deed
from John B. Huntington & Larkin Shudson
dated July 30th 1889; that at the time
your ancestor sold said Shudson said
goods and at no time afterward un-
til the deed was recorded on Nov. 10th
1893. did your ancestor have any notice
of the existence of the same; that said
deed from said Shudson & wife was
voluntary, and was made for the ex-
press purpose of hindering, delaying
& defrauding the creditors of the said
H.C. Shudson in the collection of
their debts & especially that of your ancestor.

Your ancestor will further show
unto your honor that on Nov. 10th 1893
said H.C. Shudson made & acknowledged
another paper giving to one J.W.
Hosdward a lien on all his land
except the tract heretofore conveyed
to the said Parrsons by deed of March 14
1893 to secure to the said Hosdward
the sum of \$675⁰⁰. Your ancestor over
this lien is void because voluntary
& was made for the express purpose
of hindering, delaying & defrauding
his creditors. A copy of said deed

is here filed marked "Lum" & proposed
to be considered as part of this bill.

Your creditors further represented
unto your honor that in the deed
made by John C. Stoddard & wife a
certain lien was reserved, but that
the same has long ago been paid
off & that it should now be released;
that there are no other liens upon
the lands of said Stoddard, &
that the same will not in 5 years
run for a sum sufficient to pay
your creditors claims & the cost of
this suit.

The premises therefore con-
sidered your creditors ~~stated~~ advised
they have rights cognizable in
a court of equity; that said John
Stoddard Stoddard will be
compelled to account for all of
said J.C. Stoddard's effects that went
into this hands; that said deed
to said Parram, said lien in fa-
vor of said Stoddard will be
declared null & void as to said
Stoddard creditor, the first be-
cause Voluntary, fraudulent, & they had
no notice of the same when their
debt was contracted, the 2nd be-
cause voluntary & fraudulent, & especially
will they be void as to your creditors.

The Prayer therefore of your creditors

is, That H.C. Herndon, Larkin Herndon
John S. Herndon, David J. Parsons, Wm
Howard & John C. Stephens be made par
ties defendant to this bill of complaint; That
they each be required to answer its several al
legations as set; That the said John S.
Larkin Herndon specially answer for
what and the amount which the said
H.C. Herndon owed them, when, where
* & from whom they got the money or other
thing which they let said H.C. Herndon
have whereby he became indebted to
them & the date of each item of indebtedness,
the number, kind & value of said cattle,
an itemized statement or an invoice
of all the goods & chattels turned over
to them, ^{or value of them by W.C. Herndon} the price they gave therefor;
That David J. Parsons specially answer
the true amount, if any thing he gave
for the land mentioned in the deed
of Mar. 14, 1893, and how much is
still due thereon, when, where &
from whom he obtained the money
or other thing which he paid said
Herndon on said land; That said
Wm Howard specially answer as
set when & for what said H.C. Herndon
owed him, the true amount thereof,
when it became or will become due,
when, where & from whom he got
the money or other thing whereby said
H.C. Herndon became indebted to him;

that all a final hearing of the cause
your orators be given a judgment
for the amount of their claims as
stated; that said land & transfer
of goods & cattle be set aside & enough
thereof sold to satisfy your orators claims
together with the costs of this suit;
that an order of Publication be made for
W.C. Henderson who is a non resident, as
the law requires in such cases;
and that all other further & general relief
be granted your orator as the nature
of his case & Equity may require.
And your orator will ever pray &c.
Perrington Bros & Co. J.G.

McTear, Hood & Lee

vs } Bice & Co

H. C. Krandall et al

1894. Jan 19th, Bill filed & O.P.

" Feb Rules, O.P. not Exempt.

" 2 " " O.P. Comptd.

" June Term Decree & Costs

C 9.12

S 2.50

Coc 5.75

Atty 15.00

Printer 5.00

\$37.37

2.50

M. V. P.

39.87

Defls Costs

Clerk \$1.60

To the Honorable H.S.K. Morrison, Judge of the Circuit Court of Lee County, Virginia:

The separate answer and demurrer of Larkin Herndon to a bill in chancery exhibited against him and others in this honorable court by McTeers Hood & Co.

Respondent says that complainants' bill is not sufficient in law to call upon him to answer it in this honorable court, but that there is good cause of demurrer thereto, and he demurs accordingly, and prays judgement of his said demurrer &c. And not waiving said demurrer but relying and insisting thereon, should other and further answer be required of him answering he says:

That he has filed his separate answer to a bill in chancery exhibited against him and others in this court by Powers Little & Co., he has also filed his separate answer to another bill in chancery exhibited against him and others in this honorable court by Cowan McClung & Co., he has also filed his separate answer to another bill in chancery exhibited against him and others in this honorable court by Berry Gilliam & Co., all of which causes are now pending in this honorable court, all have a common purpose with the bill of complainants, all contain almost identically the same allegations except as to the amount claimed, and all are against identically the same persons. Respondent refers to said several answers and adopts them as a part of this his answer in this case, and prays that they may be considered as such. And now having answered said bill as fully as he is advised it is material that he should answer the same, respondent prays to be hence dismissed with his reasonable costs. &c.

Duncan Hyatt p.d.

Virginia, Lee County, to wit:

A.B. Munsey Clerk of Circuit Court of

This day personally appeared before me, in my county Larkin Herndon and made oath that the foregoing answer so far as made on his own ^{Knowledge} information is true, and so far as made upon the information of others he believes it to be true.

A.B. Munsey Clerk

Lee County Virginia

he believes it to be true.

formation is true; and so far as made upon the information of others and made such that the foregoing answer so far as made on his own in-

formation personally appeared before me to my country Patrick Herndon

responsible course, so.

should answer the same, respondent prays to be heard at length with the answer said bill as truly as he is advised to in material that he case, and prays that they may be considered as such. And he prays several answers and answers that are a part of this the answer in this all the several identically the same allegations except as to the amount claimed, and have a common purpose with the bill of complaint. All counts of just Co., all of which answers are now pending in this honorable court. All

W.C. Herndon et als.
Separate Demurrer and
Ans. Answer of Larkin Herndon, one of the defend-
ants.
McTeers Hood & Co.

Duncan & Hyatt, p.d.

*Filed in open Court March
the 9th 1874
A.B. Munsey Clerk*

to call upon him to answer it in this honorable court, but that there respondent says that complaint, bill is not sufficient in law
McTeers Hood & Co.
charges exhibited against him and against in this honorable court by
the subscribers answer and demurrer of Larkin Herndon to a bill in
court, Herndon;

and the Honorable H.B. Herndon, Clerk of the Circuit Court of the

To the Honorable H.S.K. Morrison, Judge of the Circuit Court of Lee County, Virginia:

The separate demurrer and answer of John P. Herndon to a bill in chancery exhibited against him and others in this honorable court by McTeers Hood & Co.

Respondent says that complainants' bill is not sufficient in law to call upon him to answer it in this honorable court, but that there is good cause of demurrer thereto, and he demurs accordingly, and prays judgement of his said demurrer &c. And not waiving said demurrer, but relying and insisting thereon, should other and further answer be required of him, answering he says:

That he has filed his ^{separate} answer to a bill in chancery exhibited against him and others in this honorable court by Powers Little & Co., he has also filed his separate answer to another bill in chancery exhibited against him and others in this honorable court by Cowan McClung & Co., and he has also filed his separate answer to another bill in chancery exhibited against him and others in this honorable court by Berry Gilliam & Co., all of which causes are still pending in this honorable court, all have a common purpose with the bill filed by complainants, all contain almost identically the same allegations except as to the amount claimed, and all are against identically the same persons. Respondent refers to said several answers and adopts them as a part of this his answer in this case, and prays that they may be considered as such. And now having answered said bill as fully as he is advised it is material that he should answer, respondent prays to be hence dismissed with his costs &c.

Duncan & Hyatt, p.d.

Virginia Lee County, to wit:

This day Larkin Herndon personally appeared before me, A.B. Munsey, Clerk of the Circuit Court of the County and State aforesaid, and made oath that the foregoing answer so far as made on his own knowledge is true, and so far as made upon the information of others he believes it to be true. Given under my hand this the 5th day of March 1894.

A.B. Munsey Clerk

W.C. Herndon et als.

Separate Demurred and
Ads. Answer of John P. Herndon, one of the defendants.

McTeers Hood & Co.

Duncan & Hyatt, p.d.

*Filed in open court March
The 9th 1894
A.B. Munsey clerk*

McTeers, Hood & Co, Complainants

VS In Chancery

William C. Heindon and others, Defendants.

The deposition of J. T. McTeer taken before me Notary Public, in and for the County of Knox, State of Tennessee pursuant to notice hereto annexed at the office of said McTeers, Hood & Co in the city of Knoxville, State of Tennessee, to be read as evidence in behalf of McTeers, Hood & Co in a certain suit in Chancery now depending in the Circuit Court of Lee County, Virginia, wherein William C. Heindon, John P. Heindon,arkin Heindon, David P. Parsons, William Woodward and John C. Stobletson are Defendants and said McTeers, Hood & Co are Plaintiffs. The witness J. T. McTeer being duly sworn, deposes as follows:

Question 1: State your name, age, residence and occupation?

Answer 1: J. T. McTeer, age 63, Knoxville, Knox County, Tennessee, Wholesale clothing merchant.

Question 2: State if William C. Heindon is indebted to said Plaintiff in any sum or sums of money, if so for what, the amount thereof and when it became due?

Answer 2: He is indebted to said Plaintiff in the sum of for merchandise sold him on July 11th, 1893 and shipped July 13th, 1893 and August 18th, 1893 as per itemized statement herewith filed as a part of this deposition mailed Invoice, and which sums became due and payable Nov 1st, 1893.

Question 3: What is your connection with said Plaintiffs?

Answer 3: General partner and in charge of the Credit Department for said Plaintiffs.

Question 4: State if at the time said sale was made to said Heindon did he make any statement or representation of his assets, if so what?

Answer 4: On July 11th, 1893 to me in the city of Knoxville, he made a statement in writing, which was signed in my presence, as to his assets and liabilities, which is herewith filed as a part of this my deposition and it will be observed from an inspection of said writing that he represented himself as an owner of 1300 to 1700 acres of real estate in the County where he lived with \$100.00 incumbrance thereupon, and in a conversation with said Heindon at the same time said statement in writing was given, I asked him if title to said land

was clear and he replied that it was and that it all belonged to him in his own right.

Question 5: State whether or not at the time said goods were sold to said Herndon, you had any knowledge or information of the existence of a deed dated March 14th, 1893 of said Herndon and wife to one David P. Parsons and which deed is mentioned and described in bill of said Plaintiffs.

Answer 5: I had no such knowledge until after Nov 10th, 1893.

Question 6: State whether or not if you had have known of the existence of said deed dated March 14th, 1893, would you have given him credit?

Answer 6: I would not.

Question 7: State whether or not said sum of \$1000.00 is still due, owing and unpaid to said Plaintiffs?

Answer 7th: It is still unpaid and owing to said Plaintiffs from said Herndon and further from this deponent sayeth not.

Tennessee

Knox County and to wit:

I, _____ Notary Public for the County of Knox and State of Tennessee do hereby certify that the foregoing deposition of J. T. McFee was taken, sworn and subscribed to before me at the time and place and for the purposes therein mentioned.

Given under my hand and notarial seal this the First day of February, 1893.

McTeers, Hood & Co, Complainants

VS In Chancery

William C. Herndon and others, Defendants.

The deposition of J. T. McTeer taken before me Notary Public, in and for the County of Knox, State of Tennessee pursuant to notice hereto annexed at the office of said McTeers, Hood & Co in the city of Knoxville, State of Tennessee, to be read as evidence in behalf of McTeers, Hood & Co in a certain suit in Chancery now depending in the Circuit Court of Lee County, Virginia, wherein William C. Herndon, John P. Herndon, Larkin Herndon, David P. Parsons, William Woodward and John C. Stapleton are Defendants and said McTeers, Hood & Co are Plaintiffs. The witness J. T. McTeer being duly sworn, deposes as follows:

Question 1: State your name, age, residence and occupation?

Answer 1: J. T. McTeer, Age 53, Knoxville, Knox County, Tennessee, Wholesale clothing merchant.

Question 2: State if William C. Herndon is indebted to said Plaintiff in any sum or sums of money, if so for what, the amount thereof and when it become due?

Answer 2: He is indebted to said Plaintiff in the sum of \$228.⁵⁰/₁₀₀ for merchandise sold him on July 11th, 1893 and shipped July 13th, 1893 and August 16th, 1893 as per itemized statement herewith filed as a part of this deposition marked "Invoice," and which sums become due and payable Nov 1st, 1893.

Question 3: What is your connection with said Plaintiffs?

Answer 3: General partner, and in charge of the Credit Department for said Plaintiffs.

Question 4: State if at the time said sale was made to said Herndon did he make any statement or representation of his assets; if so, what?

Answer 4: On July 11th, 1893 to me in the city of Knoxville, he made a statement in writing which was signed in my presence, as to his assets and liabilities, which ^{statement} is herewith filed as a part of this my deposition; and it will be observed from an inspection of said writing that he represented himself as an owner of 1200 to 1700 acres of real estate in the County where he lived with \$150.00 incumbrance thereupon, and in a conversation with said Herndon at the same time said statement in writing was given, I asked him ^{if the} title to said land

was clear and he replied that it was and that it all belonged to him in his own right.

Question 5: State whether or not at the time said goods were sold to said Herndon, you had any knowledge of information of the existence of a deed dated March 14th, 1893 of said Herndon and wife to one David P. Parsons and which deed is mentioned and described in bill of said Plaintiffs, *by which he conveyed a large portion of his said real estate*

Answer 5: I had no such knowledge until after Nov 10th, 1893.

nor did either of the plaintiffs in this suit
Question 6: State whether or not if you had have known of the existence of said deed dated March 14th, 1893, would you have given him credit?

Answer 6: *We* would not.

Question 7: State whether or not said sum of \$228.³/₁₀₀ is still due, owing and unpaid to said Plaintiffs?

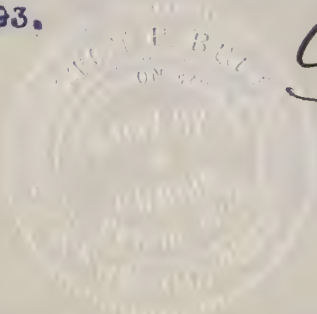
Answer 7th: It is still unpaid and owing to said Plaintiffs from said Herndon, and further from this deponeth sayeth not.

Tennessee

Knox County and to wit:

I *Charlton P. Brooke* Notary Public for the County of Knox and State of Tennessee do hereby certify that the foregoing deposition of J. T. McTeer was taken, sworn and subscribed to before me at the time and place and for the purposes therein mentioned.

Given under my hand and notorial seal this the First day of February, 1893.



Charlton P. Brooke

Jos. T. McTeer

1893.

Given under my hand and official seal this 2nd day of February, 1893.

and placed and for the purposes herein mentioned.

J. L. Nelson was taken, sworn and adjured to testify as to the facts of the foregoing as fully and truly as he knows and believes.

James H. Nelson

McLure Hood & Co
Depositions

Wm. L. Herndon et al.

Received Feb'y 4th by mail
in good condition and
filed Feb'y 5th 1894

As B. Munnery Clerk

Wm. L. Herndon et al.

I am to testify that the above is a true and correct copy of the deposition of Wm. L. Herndon et al. taken on the 2nd day of February, 1893.

Given under my hand and official seal this 2nd day of February, 1893.

and placed and for the purposes herein mentioned.

INSURE WITH THE
SPRINGFIELD
F. & M. INSURANCE CO.
SPRINGFIELD, MASS.

CASH CAPITAL, - - - \$1,500,000.00.

Mail securely
sealed to
H. B. Munsey
Clerk & Co
Lowisville
Va
"

McTear Hood & Co

AGAINST

H.C. Skendall et al.

To H.C. Skendall, John P. Skendall, George Skendall, David
T. Parsons, Wm. Howard & the Stipulated Take notice that on the 10th day
of Feb., 1894 at Office of McTear Hood & Co. in Kuayville

County, State of Tenn. I will proceed to take the deposition of Joseph

T. McPhee, and others

to be read as evidence on behalf of McTear Hood & Co

in a certain suit in Chancery now pending in the Circuit Court of Tenn.

County, State of Virginia wherein McTear Hood & Co are

Plaintiff and H.C. Skendall et al are Defendant. And if from any

cause the taking of said deposition is not begun on that day, or being begun not completed, the same will be continued from day to day or from time to time, and, if desired, from place to place, until the same are complete. You may attend and cross-examine if you wish.

This Jan 28th 1894

Very Respectfully,

McTear Hood & Co

for counsel

Mc Tern, Stand & Co
v.s. } Notice to take Dep-
St. Co. Henderson et al
~~~~~

as Feb. 1<sup>st</sup>. 1894  
~~~~~

Executed on the 26th
day of January, 1894 by de-
livering true copies of the
within notice to John P. Henderson,
J^{nr} Stoddard & David P.
Parsons in person then
Jan. 27th 1894.

W. M. Pennington

Virginia,

Lin County, to wit:

I, E. H. Pennington a notary public in and
for the County & State aforesaid, do certify
that W^m M. Pennington whose name is
signed to the above return, made oath
before me in 2000 County aforesaid & to
the truth of said return. This Jan. 27th 1894
E. H. Pennington



McTEERS, PAYNE, HOOD & Co.

J. T. McTEER.
C. E. McTEER.
R. S. PAYNE.
W. M. HOOD.

WHOLESALE

CLOTHING.

Knoxville, Tenn. 11 July 93

Statement made by W. C. Herndon
Cyethia Va

Stock of goods	1500.00
45 Hd Cattle	500
apcs due him	2000.00
	<hr/> 4000.00

Deduct Bad apc	325.00	
Depos Payable	200.00	525.00
Nett Balance		<hr/> 3475.00

1200 to 1700 acres Real Estate value \$10 a \$15 - acres
owes on R.E. \$150.00.

This is a true statement of
my financial condition, and I make
same for the purpose to establish my credit
with McTeers Hood Co.

W. C. Herndon

S N Y D E R & SPRADLING. G.S.

PIKETON, TENN.

Mc'Minn Co.

June '7'92--Make us the following statement:--ASSETS, stock \$1,800
book accounts considered good \$450, cash ~~\$1,800~~ \$428.64 155 acres land
in 3rd Dist. this county \$1,600. horses cattle &c. \$450 300 bushels peas
\$300, hogs \$75 oats and corn \$50 Total assets \$4,153.64 LIABILITIES
for mdse. not due \$804.44. Net assets \$4,349.20 Never failed. Bank
with first Bank of Athens and refer to J.E. Fike and Jno. Hart Jr. Owe
Rosenau Crutchfield & Co. Chattanooga \$483.75 Mc'Millan Hazen & Co.
Knoxville \$219.50. Cowan Mc'Clung & Co. Knoxville \$15.30 Jazen Lotspeich
& Thomas Knoxville \$7.20. Martin Bros. Chattanooga \$37. McTeers Payne
Hood & Co. \$10, and Bryant Bros. of Mortimer \$9.13.

(Signed) Snyder & Spradling by C.G. Snyder.

Succeeded J.E. Fike Sept. 1st 1892 having commenced under style of
C.G. Snyder & Co. Chas. G. and Jno. L. Spradling compose the firm,
Are both natives of Meigs Co. Tenn. C.G. Snyder is a married man aged ab
about 35 years who has been Register of Meigs Co. and Mr Spradling a
farmer, all of the assets given above outside of the business are sup-
posed to belong mainly to Mr Spradling as he is reported to own a farm
worth \$1,500 and to have some personal means to extent of \$500 and also

W. B. Spradling

Memphis, Tenn. Jan'y 5 1894

W. C. Herndon.

Bought of

Cytherea Va.

~~MCTEERS, PAYNE, BURGER & HOOD,~~
~~MCTEERS, PAYNE, BURGER & HOOD & CO.~~
WHOLESALE
MCTEERS, HOOD & CO.
CLOTHING.



TERMS: Nov 1. 6/10

Small text at bottom right of header area.

1893							
July 13	2	Suits	2 ⁰⁰	4 "			
	6	"	80	4 80			
	6	"	1 ⁰⁰	6 "			
	6	"	1 ²⁵	7 50			
	4	"	5 ⁰⁰	20 "			
	3	"	2 ⁵⁰	7 50			
	2	"	3 ²⁵	6 50			
	2	"	3 ⁰⁰	6 "			
	3	"	5 ⁰⁰	15 "			
	6	Coats	3 ²⁵	22 50			
	6	"	6 ²⁵	37 50			
	6	Pants	1 ²⁵	7 50			
	6	"	1 ²⁵	7 50			
				50		152 80	
		Bad					
Aug 8	3	Suits	3 ⁵⁰	10 50			
	3	"	3 ⁵⁰	10 50			
	6	"	4 ⁵⁰	27 "			
	6	"	4 ⁵⁰	27 "		75 00	
						50	
						228 30	

SPECIAL NOTICE.

If this bill is not in all respects just as the trade was made, we must be notified at once. No goods will be received back after being in possession longer than ten days. No change of terms or deductions will be allowed at time of settlement.

Notary Fee

Invoice



Knoxville, Tenn. Jan 5 1894

H. C. Herndon

BOUGHT OF

McTEERS, PAYNE, BURGER & HOOD & CO.

McTEERS, PAYNE, BURGER & HOOD,

McTEERS, PAYNE, BURGER & HOOD & CO.

WHOLESALE

CLOTHING.

TERMS: Nov 1

Good for 1894

1893									
July 13	2	meat		2 ⁰⁰	14				
"	6	"		80	4	80			
"	6	"		1 ⁰⁰	6				
"	6	"		125	7	50			
"	4	"		5 ⁰⁰	20				
"	3	"		2 ⁵⁰	7	50			
"	2	"		3 ²⁵	6	50			
"	2	"		3 ⁰⁰	6				
"	3	"		5 ⁰⁰	16				
"	6	meat		3 ⁷⁵	22	50			
"	6	"		6 ²⁵	37	50			
"	6	meat		125	7	50			
"	6	"		125	7	50			
			Box & Dray		50			152	80
SPECIAL NOTICE.									
If this bill is not in all respects just as the trade was made, we must be notified at once. No goods will be received back after being in possession longer than ten days. No change of terms or deductions will be allowed at time of settlement.									
Aug 18	3	meat		3 ⁰⁰	10	50			
"	3	"		3 ⁰⁰	10	50			
"	6	"		4 ⁵⁰	27				
"	6	"		4 ⁰⁰	27			75	00
			Notary Fee.					50	
								228	30

Form 151.

Printed and Sold by Ogden Bros. & Co., Knoxville, Tenn.

State of Tennessee, County of Knox

Personally appeared before the undersigned, a Notary Public in and for said County, duly commissioned and sworn Thomas Nutt

to me well known, and made oath in due form of law, that the within account against

H. C. Herndon amounting to Two Hundred and Twenty Eight & 30/100 Dollars,

is justly due McTeers, Payne, Burger & Co.

of which firm he is Bookkeeper after the allowance of all credits

of which the said H. C. Herndon is entitled as he verily believes.

Thomas Nutt

[SEAL.]

Subscribed and sworn before me this 5th day

of January 1894.

J. F. English
Notary Public.

In the Clerk's Office of the Circuit Court of the County of
Lee on the *19th* day of *January* 1894.

Mc Teer Payne Hood & Co Plaintiff
against

In Chancery

W. C. Herndon et al Defendant

The object of this suit is to *set aside and annul the deed of W. C. Herndon wife to David Parsons dated March 14th 1893 2nd to set aside and declare void the deed made by W. C. Herndon wife to J. M. Woodward dated Nov. 10th 1893 3rd to annul the transfer of goods & chattels made by W. C. Herndon to John P. Herndon & Larkin Herndon on or about Nov. 10th 1893 4th that a judgment be given in favor of the Plffs against the Defendants for the mentioned in the bill*
And an affidavit having been made and filed that the defendant

not resident of the State of Virginia, it is ordered that *he* do appear here, within *fifteen days* after due publication hereof, and do what may be necessary to protect *his* interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the *Lee County Republican* and that a copy be posted at the front door of the court-house of this *County* on the first day of the next term of the *County* Court.

A copy—Teste:

G. A. Ewing

p. q.

A. B. Mursey

Clerk.

McTeer Payne & Hood & co

v's.

ORDER OF
PUBLICATION.

W. L. Herndon et al

I A. B. Munsey clerk, of the
Circuit Court do certify that
it delivered to the Sal. County
Republican the within order
order on the 19th day of
January 1874 for Publication
and posted a copy thereof
at the front door of the court
house at the January Term
1874 of the County Court
A. B. Munsey clerk

In the Clerk's Office of the Circuit Court of the County of
Lee

against Mc Lee Payne + Hood

Plaintiff

In Chancery

W. C. Herndon et al. Defendant

This day E. W. Pennington personally appeared
before me, A. B. Munsey Clerk of the said Court,
and being duly sworn, made oath that W. C. Herndon one of the

defendants in the said suit is not a resident of the State of Virginia,

Given under my hand as Clerk of the said Court, this 19th day of January
1894. A. B. Munsey Clerk

McLur Payne & Hood

vs.

AFFIDAVIT FOR ORDER
OF
PUBLICATION.

W. B. Herndon et al

G. A. Ewing p. q.

Filed Jan'y the 15th 1894
A. B. Munsey Clerk

In the Clerk's Office of the Circuit Court of the County of
Lee

against *Mc Leer Hood & Co*

Plaintiff

In Chancery

W. C. Herndon et al Defendant

This day

G. W. Blankenship

personally appeared

before me,

A. B. Munsey

Clerk of the said Court,

and being duly sworn, made oath that

W. C. Herndon

one of the

defendants in the said suit *is* not a resident of the State of Virginia,

Given under my hand as Clerk of the said Court, this

24th day of *January*

18*94*

A. B. Munsey clerk

McTeer Hood & Co

US. { AFFIDAVIT FOR ORDER
OF
PUBLICATION.

W. C. Herndon et al

G. A. Ewing p. q.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

^{again}
WE COMMAND YOU,

That you summon John P Herndon, Larkin Herndon
David P. Parsons, William Woodward & John C Stapleton

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said Court on the 3rd Monday in April, 1894, to answer a bill in Chancery, exhibited against them in our said court by Joseph T Mc Teer.

Charles C Mc Teer and Wm M Hood doing business
under the style name of Mc Teers Hood & Co

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the 21st day of March 1894, and in the 11 8th year of the Commonwealth.

A B Munsey Clerk.

McTeer Hood & Co

vs. {

SUBPENA
IN CHANCERY.

J. P. Herndon et al

Pennington Bros. p. q.

To 2nd April Rules 1874

Circuit Court.

Executed April 9, 94
By delivering copy
of this subpoena
to J. P. Herndon &
David P. Parsons
Wm. Woodward
Sarkis Herndon
M. R. Kirk D. S.
for G. E. Herndon
S. J. C.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

W. C. Herndon, John P. Herndon,

Larkin Herndon, David P. Parsons & William Woodward,

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said Court on the *1st* Monday in *February*, 189*4*, to answer a bill in Chancery,

exhibited against *them* in our said court by *Joe T. McTeer, Chas. & McTeer & Wm. M. Hood Merchants and partners in trade doing business under the style name of McTeer Hood & Co*

And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house,

the *24th* day of *January* 189*4*, and in the *11^{8th}* year of the Commonwealth.

A. B. Munsey Clerk.

McLear Hood & Co

VS. { SUBPÆNA
IN CHANCERY.

Wm. Herridon et al

G. A. Ewing p. q.

To 1st February Rules 1874

Circuit Court.

Not Executed
on the account
of sickness
N B Kirk D S

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *W. B. Herndon, John P. Herndon*
Larkin Herndon, David P. Parsons, & William
Woodward,

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said Court on the *1st* Monday in *February*, 1894, to answer a bill in Chancery, exhibited against *them* in our said court by *Joe T. McTeer, Lehas E. McTeer, & Wm M. Hood Merchants and partners in Trade doing business under the Style name of McTeer Hood & Co*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the *24th* day of *January*, 1894, and in the *118th* year of the Commonwealth.

A Copy Teste

A. B. Munsey

Clerk.

A. B. Munsey Clerk

US. { SUBPOENA
IN CHANCERY.

.....p. q.

To.....Rules,

Circuit Court.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

*M. C. Herndon, John P. Herndon
Larkin Herndon, David P. Parsons & William Woodward*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said Court on the *1st* Monday in *February*, 1894, to answer a bill in Chancery,

exhibited against *them* in our said court by *Joe. T. McLeer & Co*
McLeer & Wm. M. Hood, Merchants and partners in
trade doing business under the style name of
McLeer & Hood & Co

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the *24th* day of *January*, 1894, and in the *11 8th* year of the Commonwealth.

A copy Teste

A B Munsey

Clerk.

A B Munsey clerk

US. { SUBPŒNA
IN CHANCERY.

.....p. q.

To.....Rules,

Circuit Court.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

*W. L. Herndon. John P. Herndon,
Larkin Herndon. David P. Parsons & William
Woodward*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said Court on the *15th* Monday in *February*, 1894, to answer a bill in Chancery,

exhibited against *Them* in our said court by *Joe T. McTeer, Chas. E. McTeer & Wm. M. Hood* merchants and partners in trade doing business under the style name of *McTeer Hood & Co.*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the *24th* day of *January* 1894, and in the *11 8th* year of the Commonwealth.

A Copy Teste

A. B. Munsey

Clerk.

A. B. Munsey clerk

US. { SUBPÆNA
IN CHANCERY.

.....p. q.

To.....Rules,

Circuit Court.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *W. C. Herndon, John P. Herndon,
Larkin Herndon, David P. Parsons & William Woodward*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said Court on the *1st* Monday in *February*, 189*4*, to answer a bill in Chancery, exhibited against *them* in our said court by *Joe. T. Mc Teer, Lehas, E. Mc Teer & Wm. M. Hood, merchants and partners in trading doing business under the style name of Mc Teer & Hood, & Co*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the *24th* day of *January*, 189*4*, and in the *118th* year of the Commonwealth.

A copy Teste

A. B. Munsey Clerk

A. B. Munsey Clerk.

vs. { SUBPŒNA
 IN CHANCERY.

.....p. q.

To.....Rules,

Circuit Court.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *W. C. Herndon, John P. Herndon*
Larkin Herndon, David P. Parsons & William
Woodward)

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said Court on the *16th* Monday in *February*, 189*4*, to answer a bill in Chancery, exhibited against *Them* in our said court by *Joe T. McTeer, Jas. E. McTeer & Wm. M. Hood* merchants and partners in Trade doing business under the style name of *McTeer & Hood & Co*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the *24th* day of *January* 189*4*, and in the *11^{8th}* year of the Commonwealth.

A Copy Teste

A. B. Munsey Clerk.

A. B. Munsey Clerk

US.

}

SUBPŒNA
IN CHANCERY.

p. q.

To.....Rules,

Circuit Court.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *John P Herndon, Larkin Herndon*
David P Parsons, William Woodward and John C Stapleton

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said
Court on the *3rd* Monday in *April*, 1894, to answer a bill in Chancery,
exhibited against *Them* in our said court by *Joseph T Mc Teer*
Charles E Mc Teer and Wm M Hood doing business
under the style name of Mc Teer Hood & Co

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house,
the *21st* day of *March* 1894, and in the 11 *8th* year of
the Commonwealth.

A B Munsey Clerk.

Mc Teer Hood & Co

US. { SUBPENA
IN CHANCERY.

J. P. Herndon et al

Pennington Bros p. q.

To 2nd April 1894 Rules,

Circuit Court.

Executed by delivering
a true office copy
of the writ in to
John C. Stapleton
this April 11 the 1894
H. P. Pennington left
for E. F. Conery
S. L. C.

McTeer, Hood & Co.....Plaintiffs,
 against
W. C. Herndon et al.....Defendants. } In chancery.

Geo. A. Ewing, p. q.

24

John F. Mahoney
Publisher Gazette.

Filed Feb'y The 26th 1894

A. B. Munsey C